

REMARKS

In the above-identified Notice of Non-Compliant Amendment, dated April 20, 2005, Applicants Amendment dated May 12, 2003, was said to be non-compliant with the requirements of 37 C.F.R. 1.121 on the grounds that Claims 5, 22, and 38, were identified as being "(Previously Amended)" instead of "(Previously Presented)". This Notice was issued in error because the rules in effect on May 12, 2003, did not require the use of "(Previously Presented)" as an identifier.

In particular, Applicants' amendment filed on May 12, 2003 was presented in proper form pursuant to the Patent Office Rules in effect at that time. Specifically, claims which had been previously amended were supposed to be marked "Previously Amended" if they were not being amended further in the Amendment of May 12, 2003. This procedure was set forth as a Proposed Rule, in the Federal Register/Vol. 68, No. 57/ Tuesday, March 25, 2003/Proposed Rules, page 14378, third column, with regard to proposed Rule 1.121, copy attached.

Rule 1.121 as relied upon in the Notice of non-compliance did not go into effect until July 30, 2003.

Accordingly, Applicants respectfully request withdrawal of the Notice of Non-Compliance in this application wherein a Status Inquiry was filed well over one year ago, and respectfully request the examination of the claims as presented in the amendment filed over two years ago.

In any event, for the Examiner's convenience a copy of the Amendment of May 12, 2003 is also attached hereto, wherein substitute pages bearing Claims 5, 22, and 38, are provided to identify those Claims as "Previously Presented".

If any impediments remain to the examination of the claims, it is requested that Applicants undersigned counsel be constructed immediately by telephone.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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